

Fred W. Schwinn (SBN 225575)  
CONSUMER LAW CENTER, INC.  
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San Jose, California 95113-2404  
Telephone Number: (408) 294-6100  
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Email Address: fred.schwinn@sjconsumerlaw.com

Attorney for Plaintiff  
WILLIE MAE LETT

E-filing

E-filing ADR

Filed

MAY - 7 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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SL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

C07 02428

WILLIE MAE LETT,

Plaintiff,

v.

APEX FINANCIAL MANAGEMENT, LLC,  
a Illinois limited liability company, and  
BRUCE ROBERT PASSEN, as an individual  
and in his official capacity,

Defendants.

Case No. \_\_\_\_\_

PVT

COMPLAINT

DEMAND FOR JURY TRIAL

15 Unites States Code § 1692 *et seq.*  
California Civil Code § 1788 *et seq.*

Plaintiff, WILLIE MAE LETT, based on information and belief and investigation of counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which are alleged on personal knowledge), hereby makes the following allegations:

**I. INTRODUCTION**

1. This is an action for statutory damages, attorney fees and costs brought by an individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code § 1788 *et seq.* (hereinafter "RFDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

**II. JURISDICTION**

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367.

1 Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

2 3. This action arises out of Defendants' violations of the Fair Debt Collection  
3 Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

4 **III. VENUE**

5 4. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in  
6 that a substantial part of the events or omissions giving rise to the claim occurred in this judicial  
7 district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that the  
8 Defendants transact business in this judicial district and the violations of the FDCPA complained  
9 of occurred in this judicial district.

10 **IV. INTRADISTRICT ASSIGNMENT**

11 5. This lawsuit should be assigned to the San Jose Division of this Court because  
12 a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara  
13 County.

14 **V. PARTIES**

15 6. Plaintiff, WILLIE MAE LETT (hereinafter "Plaintiff"), is a natural person  
16 residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15  
17 U.S.C. § 1692a(3) and a "debtor" within the meaning of Cal. Civil Code § 1788.2(h).

18 7. Defendant, APEX FINANCIAL MANAGEMENT, LLC, (hereinafter  
19 "APEX"), is an Illinois limited liability company engaged in the business of collecting debts in this  
20 state with its principal place of business located at: 1120 Lake Cook Road, #A, Buffalo Grove,  
21 Illinois 60089-1970. APEX may be served at the address of its registered agent at: Apex Financial  
22 Management, LLC, c/o Jeffrey W. Linstrom, Agent for Service of Process, 5 Revere Drive, Suite  
23 206, Northbrook, Illinois 60062-1568. The principal business of APEX is the collection of debts  
24 using the mails and telephone, and APEX regularly attempts to collect debts alleged to be due  
25 another. APEX is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil  
26 Code § 1788.2(c).

27 8. Defendant, BRUCE ROBERT PASSEN, (hereinafter "PASSEN"), is a natural  
28 person and is or was an employee, agent, officer and/or director of APEX at all relevant times.

PASSEN may be served at his current business address at: Bruce Robert Passen, Apex Financial Management, LLC, 5 Revere Drive, Suite 415, Northbrook, Illinois 60062-1568 and at his residence address at: Bruce Robert Passen, 1080 Meadowbrook Lane, Deerfield, Lake County, Illinois 60015-3459. PASSEN is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6) and Cal. Civil Code § 1788.2(c). Plaintiff is informed and believes, and thereon alleges that PASSEN is liable for the acts of APEX because he sets and approves APEX collection policies, practices, procedures and he directed the unlawful activities described herein.

9. At all times herein mentioned, each of the Defendants was an officer, director, agent, servant, employee and/or joint venturer of his co-defendants, and each of them, and at all said times, each Defendant was acting in the full course and scope of said office, directorship, agency, service, employment and/or joint venture. Any reference hereafter to "Defendants" without further qualification is meant by Plaintiff to refer to each Defendant, and all of them, named above.

#### **VI. FACTUAL ALLEGATIONS**

10. On a date or dates unknown to the Plaintiff, Plaintiff is alleged to have incurred a financial obligation that was primarily for personal, family or household purposes, namely a credit account issued by Wells Fargo Bank and bearing the account number XXXX-XXXX-XXXX-9974 (hereinafter "the alleged debt"). The financial obligation alleged to be originally owed to Wells Fargo Bank by the Plaintiff is a "debt" as that term is defined by 15 U.S.C. § 1692a(5) and a "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).

11. Plaintiff is informed and believes, and thereon alleges that sometime thereafter on a date unknown to the Plaintiff, the alleged debt was sold, assigned or otherwise transferred to Hilco Receivables, LLC.

12. Sometime thereafter, on a date unknown to the Plaintiff, the alleged debt was consigned, placed or otherwise transferred to Defendants for collection from the Plaintiff.

13. Thereafter, Defendants sent a collection letter (Exhibit "1") to Plaintiff which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

14. A true and accurate copy of the first collection letter from Defendants to Plaintiff is attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

1                   15.     The first collection letter (Exhibit "1") is dated September 30, 2006.

2                   16.     The first collection letter (Exhibit "1") was sent in an envelope on which a  
3 postage meter stamp dated October 2, 2006, was imprinted.

4                   17.     Plaintiff is informed and believes, and thereon alleges that Defendants  
5 deposited the envelope containing the first collection letter (Exhibit "1") in the United States Mail  
6 on or about October 2, 2006.

7                   18.     Plaintiff received the envelope containing the first collection letter (Exhibit  
8 "1") from Defendants on or after October 4, 2006.

9                   19.     The collection letter (Exhibit "1") was the Defendants' first written notice  
10 initially addressed to the Plaintiff in connection with collecting the debt alleged to be originally  
11 owed to Wells Fargo Bank.

12                   20.     On or about October 18, 2006, Plaintiff mailed a letter to Defendants which  
-13 stated: "please be advised that I dispute this debt and refuse to pay."

14                   21.     A true and accurate copy of the Plaintiff's letter disputing the debt and  
15 refusing to pay the debt is attached hereto, marked Exhibit "2," and by this reference is incorporated  
16 herein.

17                   22.     Defendants received Plaintiff's letter disputing the alleged debt and refusing  
18 to pay the alleged debt (Exhibit "2") on or about October 20, 2006.

19                   23.     A true and accurate copy of the USPS Tracking Report and Certified Mail  
20 Return Receipt evidencing Defendants' receipt of Plaintiff's letter disputing the alleged debt and  
21 refusing to pay the alleged debt (Exhibit "2") is attached hereto, marked Exhibit "3," and by this  
22 reference is incorporated herein.

23                   24.     After receiving Plaintiff's letter disputing the alleged debt (Exhibit "2"),  
24 Defendants continued their collection efforts without first obtaining and mailing Plaintiff a  
25 validation of the debt being collected.

26                   25.     After receiving Plaintiff's letter notifying Defendants of her refusal to pay the  
27 alleged debt (Exhibit "2"), Defendants continued to communicate with the Plaintiff in an attempt  
28 to collect the alleged debt.

28. The second collection letter (Exhibit "4") is dated March 13, 2007.

30. Plaintiff is informed and believes, and thereon alleges that Defendants deposited the envelope containing the second collection letter (Exhibit "4") in the United States Mail on or about March 14, 2007.

## VII. CLAIMS

32. Plaintiff brings the first claim for relief against Defendants under the Federal Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692.

34. Plaintiff is a “consumer” as that term is defined by the FDCPA, 15 U.S.C. § 1692a(3).

36. Defendant, PASSEN, is a "debt collector" as that term is defined by the FDCPA, 15 U.S.C. § 1692a(6).

38. Defendants have violated the FDCPA in the following respects:

- a. Defendants continued to communicate with the Plaintiff in an attempt to collect the alleged debt after receiving a written notification that Plaintiff refused to pay the debt being collected, in violation of 15 U.S.C. § 1692c(c); and
- b. Defendants continued their collection efforts against Plaintiff after receiving a written notification within the thirty-day validation period from Plaintiff disputing the debt being collected in its entirety without first obtaining a verification of the alleged debt and mailing a copy of such verification to the Plaintiff, in violation of 15 U.S.C. § 1692g(b).

39. Defendants' acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

40. As a result of the Defendants' violations of the FDCPA, the Plaintiff is entitled to an award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

#### **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT**

41. Plaintiff brings the second claim for relief against Defendants under the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), California Civil Code §§ 1788-1788.33.

42. Plaintiff repeats, realleges and incorporates by reference paragraphs 1 through 40 above.

43. Plaintiff is a "debtor" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(h).

44. Defendant, APEX, is a "debt collector" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(c).

45. Defendant, PASSEN, is a "debt collector" as that term is defined by the RFDCPA, Cal. Civil Code § 1788.2(c).

46. The financial obligation alleged to be originally owed to Wells Fargo Bank by Plaintiff is a "consumer debt" as that term is defined by the RFDCPA, Cal. Civil Code §

1 1788.2(f).

2 47. Defendants have violated the RFDCPA in the following respects:

- 3 a. Defendants continued to communicate with the Plaintiff in an attempt  
4 to collect the alleged debt after receiving a written notification that  
5 Plaintiff refused to pay the debt being collected, in violation of 15  
6 U.S.C. § 1692c(c), as incorporated by Cal. Civil Code § 1788.17; and  
7 b. Defendants continued their collection efforts against Plaintiff after  
8 receiving a written notification within the thirty-day validation period  
9 from Plaintiff disputing the debt being collected in its entirety  
10 without first obtaining a verification of the debt and mailing a copy  
11 of such verification to the Plaintiff, in violation of 15 U.S.C. §  
12 1692g(b), as incorporated by Cal. Civil Code § 1788.17.

13 48. Defendants' acts as described above were done willfully and knowingly with  
14 the purpose of coercing Plaintiff to pay the alleged debt, within the meaning of Cal. Civil Code §  
15 1788.30(b).

16 49. As a result of the Defendants' willful and knowing violations of the RFDCPA,  
17 the Plaintiff is entitled to an award of a statutory penalty in an amount not less than one hundred  
18 dollars (\$100) nor greater than one thousand dollars (\$1,000), pursuant to Cal. Civil Code §  
19 1788.30(b).

20 50. As a result of the Defendants' violations of the RFDCPA, the Plaintiff is  
21 entitled to an award of statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated  
22 by Cal. Civil Code § 1788.17.

23 51. As a result of the Defendants' violations of the RFDCPA the Plaintiff is  
24 entitled to an award of her reasonable attorney's fees and costs pursuant to Cal. Civil Code §  
25 1788.30(c) and 15 U.S.C. § 1692k(a)(3), as incorporated by Cal. Civil Code § 1788.17.

26 52. Pursuant to Cal. Civil Code § 1788.32, the remedies provided under the  
27 RFDCPA are intended to be cumulative and in addition to any other procedures, rights or remedies  
28 that the Plaintiff may have under any other provision of law.



**VIII. REQUEST FOR RELIEF**

The Plaintiff requests that this Court:

- a. Assume jurisdiction in this proceeding;
- b. Declare that Defendants' violated the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692c(c) and 1692g(b);
- c. Declare that Defendants' violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civil Code § 1788.17;
- d. Award the Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- e. Award the Plaintiff a statutory penalty in an amount not less than \$100 nor greater than \$1,000 pursuant to Cal. Civil Code § 1788.30(b);
- f. Award the Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A), as incorporated by Cal. Civil Code § 1788.17;
- g. Award the Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3) and Cal. Civil Code §§ 1788.17 and 1788.30(c); and
- h. Award the Plaintiff such other and further relief as may be just and proper.

CONSUMER LAW CENTER, INC.

By: /s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.  
Attorney for Plaintiff  
WILLIE MAE LETT



**CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

/s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, WILLIE MAE LETT, hereby demands a trial by jury of all triable issues of fact in the above-captioned case.

/s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.



1120 W Lake Cook Rd Ste A  
Buffalo Grove IL 60089-1970

ADDRESS SERVICE REQUESTED

September 30, 2006

928912-11100-78147 8502



Willie Lett  
2377 Flint Ave  
San Jose CA 95148-1718

## Apex Financial Management, LLC

PO Box 2189 ♦ Northbrook IL 60065-2189

Toll Free: (877) 273-9764

Hours of Operation:

Mon. – Fri. 8:00 am – 9:00 pm (CST)

Sat. – Sun. 8:00 am – 12:00 pm (CST)

### APEX FINANCIAL MANAGEMENT

PO Box 2189

Northbrook IL 60065-2189



|                     |                        |
|---------------------|------------------------|
| Previous Creditor:  | WELLS FARGO            |
| Current Creditor:   | Hilco Receivables, LLC |
| Previous Account #: | 4465390009179974       |
| Apex Account #:     | 928912                 |
| Balance:            | \$9,083.66             |

### Past Due Balance

Detach Upper Portion and Return with Payment

|                     |                        |
|---------------------|------------------------|
| Previous Creditor:  | WELLS FARGO            |
| Current Creditor:   | Hilco Receivables, LLC |
| Previous Account #: | 4465390009179974       |
| Apex Account #:     | 928912                 |
| Balance:            | \$9,083.66             |

This is to advise you that Hilco Receivables, LLC has purchased the above referenced debt you previously owed to Wells Fargo.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment of verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

If you do not dispute this debt or any portion thereof, you are requested to remit the above stated balance in the enclosed envelope. If you cannot remit the balance, contact us to discuss a repayment plan.

Please direct all payments and all correspondence to: Apex Financial Management, PO Box 2189, Northbrook IL 60065-2189, toll free: (877) 273-9764.

Sincerely,

Apex Financial Management, LLC

This is an attempt to collect a debt and any information obtained will be used for that purpose. In addition this communication is from a debt collector.

IMPORTANT – PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

To make a payment on line, log on to [www.apexfm.com](http://www.apexfm.com) and click on make payment.

If you wish to pay by VISA, MasterCard or Discover, fill in the information below and return the entire letter to us.



Account Number

Payment Amount

Expiration Date

|  |    |   |
|--|----|---|
|  | \$ | / |
|--|----|---|

Card Holder Name

Signature of Card Holder

Date

RGLHILCO211100

**WESTERN UNION** | **QUICK COLLECT**  
The fastest way to send a payment

**MoneyGram**  
ExpressPayment.

**EXHIBIT**

1

**ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS**

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

**THIS NOTICE HAS NO EFFECT ON YOUR RIGHTS TO DISPUTE OR REQUEST VALIDATION OF ANY DEBT REFERENCED IN LETTER RECEIVED WITH THIS NOTICE**

**HILCO RECEIVABLES, LLC**

**PRIVACY POLICY**

This notice is being forwarded to you in compliance with the requirements of the Gramm-Leach-Bliley Privacy Act, 15 U.S.C. sec. 6801 et seq. It has no reflection or bearing upon the status of your account.

**Information We May Collect**

Hilco Receivables, LLC, together with its affiliated companies (collectively, the "Account Owners" or "We"), collects nonpublic personal information about you that is obtained from one or more of the following sources:

1. Information we received from companies that sold us your account (for example, applications and other related forms);
2. Information about your transactions with us, our affiliates, or others; and
3. Information we received from a consumer-reporting agency.

**Information We May Share With Nonaffiliated Companies**

The Account Owners may share all of the information we collect about you, as described above, with nonaffiliated companies, only as permitted by law. For example:

- We may share information about you with companies that we use to perform account-servicing functions to manage and maintain your account and to process transactions that you have authorized; and
- We may report information about you to consumer reporting agencies, government agencies in response to subpoenas, or others in connection with investigations.

**Confidentiality and Security of your Account**

The Account Owners restrict access to nonpublic personal information about you to only those employees who need to know such information, and third party service providers who provide support services to us. We maintain physical, electronic and procedural safeguards to protect your personal information. If we use other companies to provide services for us, we require them to keep the information we share with them safe and secure and we do not allow them to use the information for any purpose other than the job they are hired to do.

**Additional Rights and Modifications**

You may have other privacy protections under state or Federal laws including the Fair Debt Collection Practices Act. We comply with such other privacy protections or with such requirements. We may amend this Privacy Notice at any time, and will inform you of changes as required by law.

Please direct all inquiries in regard to this notice to Hilco Receivables, LLC, 5 Revere Drive, Suite 415, Northbrook, IL 60062 or call us toll free at 800-635-5733 between 8:00 a.m. Central Standard Time and 5:00 p.m. Central Standard Time Monday-Friday.

**Vermont Residents Only:** Following the law of your state, we will not disclose nonpublic personal financial information about you to nonaffiliated third parties (other than as permitted by law) unless you authorize us to make that disclosure. Your authorization must be in writing. If you wish to authorize us to disclose your nonpublic personal financial information to nonaffiliated third parties, you may write to us at Hilco Receivables, LLC, 5 Revere Drive, Suite 415, Northbrook IL 60062.

.....  
Please use this form if you wish to decline or "opt out" of information sharing.

☐ I wish to exercise my rights to opt out of certain third-party information sharing, as described in this privacy notice.

To change our record to accurately reflect your desire to opt out, please provide us with the following information:

Name: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

1120 W Lake Cook Rd Ste A  
Buffalo Grove IL 60089-1970

ADDRESS SERVICE REQUESTED

928912-11100-78147 8502

Willie Lett  
2377 Flint Ave  
San Jose CA 95148-1718

**REFUSE TO PAY LETTER**

October 16, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**7005-3110-0001-5927-0799**

Apex Financial Management, LLC  
P.O. Box 2189  
Northbrook, IL 60065-2189

Re: Creditor: Wells Fargo Bank  
Account No.: 4465390009179974  
Apex Account No: 928912

Dear Sir or Madam:

I have enclosed a copy of the last collection letter that you sent to me.

In this regard, please be advised that I dispute this debt and refuse to pay.

PLEASE MARK YOUR FILES ACCORDINGLY.

Trusting in your good offices, I remain . . .

Very Truly Yours,

Willie Mae Lett  
2377 Flint Avenue  
San Jose, CA 95148-1718

7005 3110 0001 5927 0799

|  |                |  |
|--|----------------|--|
| U.S. Postal Service <sup>TM</sup>  |                |  |
| <b>CERTIFIED MAIL<sup>TM</sup> RECEIPT</b>   |                |  |
| (Domestic Mail Only; No Insurance Coverage Provided)   |                |  |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> |                |  |
| <b>OFFICIAL USE</b>  |                |  |
| Postage  | \$ 0.39        | 0012                                     |
| Certified Fee  | \$2.40         | 24                                       |
| Return Receipt Fee<br>(Endorsement Required)   | \$1.85         | U.S.P.S.<br>St. James Post Office<br>#14 |
| Restricted Delivery Fee<br>(Endorsement Required)  | \$0.00         | 10/18/2006                               |
| <b>Total Postage &amp; Fees</b>  | <b>\$ 4.64</b> |  |
| Sent To <i>Apex Financial Management, LLC</i>  |                |  |
| Street, Apt. No.,<br>or PO Box No. <i>P.O. BOX 2189</i>                                      |                |  |
| City, State, ZIP+4 <sup>®</sup> <i>Northbrook, IL 60065-2189</i>                             |                |  |



**Apex Financial Management, LLC**1120 W Lake Cook Rd Ste A  
Buffalo Grove IL 60089-1970

ADDRESS SERVICE REQUESTED

PO Box 2189 ♦ Northbrook IL 60065-2189

Toll Free: (877) 273-9764

Hours of Operation:

Mon. - Fri. 8:00 am - 9:00 pm (CST)

Sat. - Sun. 8:00 am - 12:00 pm (CST)

September 30, 2006

**APEX FINANCIAL MANAGEMENT**

PO Box 2189

Northbrook IL 60065-2189

928912-11100-78147 8502



Willie Lett

2377 Flint Ave

San Jose CA 95148-1718



Previous Creditor: WELLS FARGO

Current Creditor: Hilco Receivables, LLC

Previous Account #: 4465390009179974

Apex Account #: 928912

Balance: \$9,083.66

**Past Due Balance**

Detach Upper Portion and Return with Payment

Previous Creditor: WELLS FARGO  
 Current Creditor: Hilco Receivables, LLC  
 Previous Account #: 4465390009179974  
 Apex Account #: 928912  
 Balance: \$9,083.66

This is to advise you that Hilco Receivables, LLC has purchased the above referenced debt you previously owed to Wells Fargo.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment of verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

If you do not dispute this debt or any portion thereof, you are requested to remit the above stated balance in the enclosed envelope. If you cannot remit the balance, contact us to discuss a repayment plan.

Please direct all payments and all correspondence to: Apex Financial Management, PO Box 2189, Northbrook IL 60065-2189, toll free: (877) 273-9764.

Sincerely,

Apex Financial Management, LLC

This is an attempt to collect a debt and any information obtained will be used for that purpose. In addition this communication is from a debt collector.

**IMPORTANT - PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.**

To make a payment on line, log on to [www.apexfm.com](http://www.apexfm.com) and click on make payment.

If you wish to pay by VISA, MasterCard or Discover, fill in the information below and return the entire letter to us.



Account Number

Payment Amount

Expiration Date

|                |  |  |  |  |  |  |  |  |  |  |  |  |  |  |                |  |  |  |  |  |  |  |  |  |                 |  |  |  |  |  |  |  |  |  |
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| Account Number |  |  |  |  |  |  |  |  |  |  |  |  |  |  | Payment Amount |  |  |  |  |  |  |  |  |  | Expiration Date |  |  |  |  |  |  |  |  |  |
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Card Holder Name

Signature of Card Holder

Date

RGLHILC0211100

**WESTERN UNION | QUICK COLLECT**  
 The fastest way to send a payment

**MoneyGram ExpressPayment.**



**THIS NOTICE HAS NO EFFECT ON YOUR RIGHTS TO DISPUTE OR REQUEST VALIDATION OF ANY DEBT REFERENCED IN LETTER RECEIVED WITH THIS NOTICE**

**HILCO RECEIVABLES, LLC**

**PRIVACY POLICY**

This notice is being forwarded to you in compliance with the requirements of the Gramm-Leach-Bliley Privacy Act, 15 U.S.C. sec. 6801 et seq. It has no reflection or bearing upon the status of your account.

**Information We May Collect**

Hilco Receivables, LLC, together with its affiliated companies (collectively, the "Account Owners" or "We"), collects nonpublic personal information about you that is obtained from one or more of the following sources:

1. Information we received from companies that sold us your account (for example, applications and other related forms);
2. Information about your transactions with us, our affiliates, or others; and
3. Information we received from a consumer-reporting agency.

**Information We May Share With Nonaffiliated Companies**

The Account Owners may share all of the information we collect about you, as described above, with nonaffiliated companies, only as permitted by law. For example:

- We may share information about you with companies that we use to perform account-servicing functions to manage and maintain your account and to process transactions that you have authorized; and
- We may report information about you to consumer reporting agencies, government agencies in response to subpoenas, or others in connection with investigations.

**Confidentiality and Security of your Account**

The Account Owners restrict access to nonpublic personal information about you to only those employees who need to know such information, and third party service providers who provide support services to us. We maintain physical, electronic and procedural safeguards to protect your personal information. If we use other companies to provide services for us, we require them to keep the information we share with them safe and secure and we do not allow them to use the information for any purpose other than the job they are hired to do.

**Additional Rights and Modifications**

You may have other privacy protections under state or Federal laws including the Fair Debt Collection Practices Act. We comply with such other privacy protections or with such requirements. We may amend this Privacy Notice at any time, and will inform you of changes as required by law.

Please direct all inquiries in regard to this notice to Hilco Receivables, LLC, 5 Revere Drive, Suite 415, Northbrook, IL 60062 or call us toll free at 800-635-5733 between 8:00 a.m. Central Standard Time and 5:00 p.m. Central Standard Time Monday-Friday.

**Vermont Residents Only:** Following the law of your state, we will not disclose nonpublic personal financial information about you to nonaffiliated third parties (other than as permitted by law) unless you authorize us to make that disclosure. Your authorization must be in writing. If you wish to authorize us to disclose your nonpublic personal financial information to nonaffiliated third parties, you may write to us at Hilco Receivables, LLC, 5 Revere Drive, Suite 415, Northbrook IL 60062.

.....  
Please use this form if you wish to decline or "opt out" of information sharing.

☐ I wish to exercise my rights to opt out of certain third-party information sharing, as described in this privacy notice.

To change our record to accurately reflect your desire to opt out, please provide us with the following information:

Name: \_\_\_\_\_ Phone Number: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

USPS - Track &amp; Confirm

Page 1 of 1



Home | Help

Track &amp; Confirm

## Track & Confirm

### Search Results

Label/Receipt Number: 7005 3110 0001 5927 0799

Detailed Results:

- Delivered, October 20, 2006, 12:20 pm, NORTHBROOK, IL 60062
- Acceptance, October 16, 2006, 3:44 pm, SAN JOSE, CA 95113

&lt; Back

Return to USPS.com Home &gt;

### Track & Confirm

Enter Label/Receipt Number.

POSTAL INSPECTORS  
Preserving the Trust

site map

contact us

government services

jobs

National &amp; Premier Accounts

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#### SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Apex Financial Management LLC  
P.O. Box 2189  
Northbrook, IL 60065-2189

#### COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*☐ Agent☐ Address see

B. Received by (Printed Name)

C. Date of Delivery

10/20

D. Is delivery address different from Item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7005 3110 0001 5927 0799

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

EXHIBIT

3



March 13, 2007

928912-11125-1710117 22055

Willie Lett  
2377 Flint Ave  
San Jose CA 95148-1718

PO Box 2219 ♦ Northbrook IL 60065-2219  
Toll Free: (866) 351-3064  
Hours of Operation:  
Mon. – Fri. 8:00 am – 9:00 pm (CST)  
Sat. – Sun. 8:00 am – 12:00 pm (CST)

**APEX FINANCIAL MANAGEMENT, LLC**  
PO Box 2219  
Northbrook IL 60065-2219

|                     |                        |
|---------------------|------------------------|
| Previous Creditor:  | WELLS FARGO            |
| Current Creditor:   | Hilco Receivables, LLC |
| Previous Account #: | 4465390009179974       |
| Apex Account #:     | 928912                 |
| Balance:            | \$9,083.66             |

**Past Due Balance**

### Detach Upper Portion and Return with Payment

Previous Creditor: WELLS FARGO  
Current Creditor: Hilco Receivables, LLC  
Previous Account #: 4465390009179974  
Apex Account #: 928912  
Balance: \$9,083.66

Apex Financial Management, LLC believes that you would honestly be willing to pay this account if given a fair opportunity to do so.

We are hoping that during this income tax refund or profit sharing bonus time, we could help you save some money. After reviewing your account, it has been decided that we can offer you a 30% reduction off your balance. The conditions of this settlement agreement require that this settlement payment is received no later than March 31, 2007.

If you are unable to take advantage of this offer, and would like to discuss an alternative plan, please contact our office.

**Please direct all payments and all correspondence to:**

**Apex Financial Management**  
**PO Box 2219**  
**Northbrook IL 60065-2219**

Sincerely,  
Apex Financial Management, LLC

This communication is from a debt collector and is an attempt to collect a debt. Any information obtained will be used for that purpose.

**IMPORTANT – PLEASE SEE REVERSE SIDE FOR IMPORTANT INFORMATION.**

To make a payment on line, log on to [www.apexfm.com](http://www.apexfm.com) and click on make payment.

**If you wish to pay by VISA, MasterCard or Discover, fill in the information below and return the entire letter to us.**



Account Number

**Payment Amount**

**Expiration Date**

Card Holder Name  
2GLHILC0211125

Signature of Card Holder

Date \_\_\_\_\_

## EXHIBIT

2.

**ADDITIONAL INFORMATION FOR CALIFORNIA RESIDENTS**

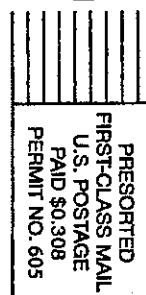
The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov). *Nonprofit credit counseling services may be available in the area.*

As required by law, you are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

8160 S Hardy Dr Ste 110  
Tempe AZ 85284-1117

ADDRESS SERVICE REQUESTED

928912-11125-1710117 22055  
Willie Lett  
2377 Flint Ave  
San Jose CA 95148-1718



03/14/07